

AO 91 (Rev. 12/93) Criminal Complaint ☒

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

Criminal Complaint

v.

CASE NUMBER: 08-112-M

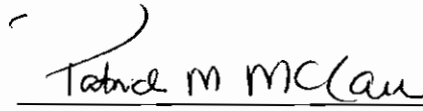
ISMAEL LOPEZ-CRUZ

I, Patrick M. McCall, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 24, 2008 in New Castle County, in the District of Delaware, ISMAEL LOPEZ-CRUZ, an alien and citizen of Mexico, was found in the United States and was knowingly in the United States, after having been denied admission, excluded, deported, and removed therefrom on or about May 8, 2008, and prior to the defendant's reembarkation at a place outside the United States, neither the Attorney General of the United States nor the Undersecretary for Border Transportation, Department of Homeland Security, had expressly consented to the defendant's reapplication for admission, in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a(n) Special Agent U.S. Immigration and Customs Enforcement (ICE) and that this complaint is based on the following facts : Official Title

See attached Affidavit

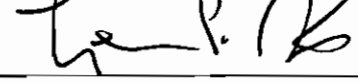
Continued on the attached sheet and made a part hereof: Yes



 Signature of Complainant
 Patrick M. McCall
 Special Agent, U.S. Immigration and Customs
 Enforcement (ICE)

Sworn to before me and subscribed in my presence,

June 25, 2008 at Wilmington, DE
 Date City and State

Honorable Leonard P. Stark
United States Magistrate Judge
 Name & Title of Judicial Officer 
 Signature of Judicial Officer

UNITED STATES v. Ismael LOPEZ-CRUZ

C & W No. 08-

AFFIDAVIT

Your affiant is a Special Agent of the United States Immigration and Customs Enforcement (ICE) at Philadelphia, Pennsylvania and has been so employed for approximately twenty (20) years. Being duly sworn, your affiant deposes and says as follows:

1. On June 24, 2008, the Delaware State Police at Troop#6 stopped a van load of Mexican nationals on I-95 in Wilmington, Delaware containing approximately 11 illegal aliens. Your affiant interviewed Ismael LOPEZ-CRUZ, one of the occupants of the van, to ascertain his alienage and right to remain in the United States. At this time, LOPEZ-CRUZ claimed his true and correct name was Mario RAMIREZ-RODRIGEZ and was a native and citizen of Mexico by birth On October 3, 1977. LOPEZ-CRUZ also admitted that he was in the United States illegally.

2. On June 24, 2008, the fingerprints of Mario RAMIREZ-RODRIGUEZ were searched through the Immigration Automated Identification Fingerprint System (IAFIS) and matched the Federal Bureau of Investigation Identification Record of Ismael LOPEZ-CRUZ (FBI#741492KC7). Your affiant retrieved and reviewed the FBI Identification Record of Ismael LOPEZ-CRUZ. This record shows a conviction on February 26, 2008 in the Winchester Circuit Court in and for the Commonwealth of Virginia for the offense of

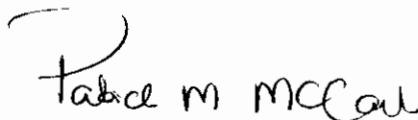
Possession With Intent to Manufacture/Sell a Controlled Substance (cocaine). For this offense, LOPEZ-CRUZ received a suspended sentence of five (5) years.

3. Your affiant also searched the indices of the U.S. Immigration and Customs Enforcement relating to an immigration record for Ismael LOPEZ-CRUZ, born in Mexico, on or about October 13, 1977. The search revealed an immigration file under the name Ismael CRUZ, date of birth October 13, 1997, born in Mexico, immigration file number A88 424 594. The immigration file of Ismael LOPEZ-CRUZ (A88 424 594) was retrieved by your affiant and revealed that LOPEZ-CRUZ was a native and citizen of Mexico by birth and had been deported from the United States on Justice Prisoner and Alien Transportation (JPATS) flight to Mexico on or about May 8, 2008.

4. On June 24, 2008, your affiant interviewed Ismael LOPEZ-CRUZ pursuant to his arrest and deportation from the United States. After advising him of his Miranda rights, LOPEZ-CRUZ agreed to speak without the presence of an attorney and stated that he was a native and citizen of Mexico by birth on October 13, 1977. LOPEZ-CRUZ also admitted to having been deported from the United States in May of 2008 based on his drug arrests in Virginia. LOPEZ-CRUZ also stated that he entered the United States illegally at Nogales, Arizona on June 21, 2008 and never filing for permission to reenter the United States after his deportation. LOPEZ-CRUZ provided a written statement relating to these facts.

5. You affiant has reviewed the immigration file of Ismael LOPEZ-CRUZ and found a Certificate of Non-Existence of Record for filing of an Application for Permission to Reapply for admission to the United States After Deportation, in the case of Ismael LOPEZ-CRUZ, born in Mexico.

Your affiant avers that there is probable cause to believe that on or about June 24, 2008, in Wilmington, Delaware, in the District of Delaware, that Ismael LOPEZ-CRUZ, a native and subject of Mexico, reentered or was found in the United States, after having been deported there from on or about May 8, 2008 to Mexico.



PATRICK M. MCCALL
Special Agent
U.S. Immigration and Customs Enforcement (ICE)

Sworn to and subscribed before me
this 25th of June 2008
